

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LOUIS V. NOCERA,)	
)	
Plaintiff,)	Civil Action No. 11-613
)	
v.)	Magistrate Judge Bissoon ¹
)	
BOROUGH OF ELLWOOD CITY, PA.,)	
)	
Defendant.)	

ORDER

For the reasons that follow, Defendant's Motion (**Doc. 7**) for a more definite statement and to strike is **GRANTED**.

Defendant seeks a more definite statement regarding Plaintiff's equal protection claim in Count III of the Complaint, and his denial of free speech claim in Count IV. *See* Def.'s Br. (Doc. 8) at 5-7; *see also* Compl. (filed under Doc. 1-2). Plaintiff has not timely responded to Defendant's Motion,² and, for essentially the same reasons stated in Defendant's brief, Plaintiff shall amend his Complaint to provide more definite statements in Counts III and IV by **July 18, 2011**. If Plaintiff fails to timely amend his Complaint in conformity with this Order, Counts III and IV will be dismissed with prejudice.

Defendant also requests that Plaintiff's claim for punitive damages under Title VII, in Count I, be stricken. *See* Def.'s Br. at 8. As Defense counsel assert, punitive damages are not available against municipal defendants under Title VII. Sampson v. School Dist. of Lancaster,

¹ By consent of the parties, the undersigned sits as the District Judge in this case. *See* Consent forms (Docs. 5 & 6).

² *See* text Order dated Jun. 7, 2011 (directing Plaintiff to respond by June 27, 2011).

2009 WL 1675083, *7 n.9 (E.D. Pa. Jun. 12, 2009) (holding same, citations omitted).

Accordingly, Plaintiff's request for punitive damages in Count I is STRICKEN.

IT IS SO ORDERED.

July 6, 2011

s/Cathy Bissoon
Cathy Bissoon
United States Magistrate Judge

cc (via ECF email notification):

All Counsel of Record